

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

MICHAEL W. HUNTER,)	CV 12-96-H-DLC-RKS
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
MONTANA STATE PRISON,)	
ROSS SWANSON, MICHELE)	
STEHY,)	
)	
Defendants.)	

United States Magistrate Judge Keith Strong issued findings and recommendations to dismiss Plaintiff Michael Hunter's complaint on December 5, 2012. (Doc. 11.) Plaintiff timely filed objections and is therefore entitled to de novo review of the specified findings and recommendations to which he objects. 28 U.S.C. § 636(b)(1). The parties are familiar with the factual and procedural background of this case so it will not be repeated here.

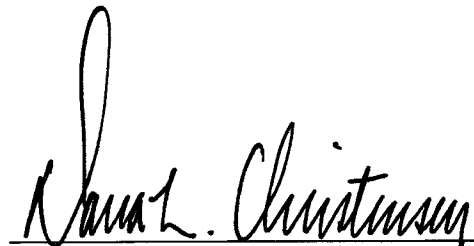
Plaintiff's complaint alleged facts that were too vague to comprehend. Judge Strong issued an order permitting Plaintiff to file an amended complaint because the defects could be cured by alleging additional facts, including who he intended to sue, when the events occurred, and how he states a federal claim. Plaintiff did not file an amended complaint, so Judge Strong recommended dismissing the complaint for failure to state a claim upon which relief may be granted. (Doc. 11.) Plaintiff objected to Judge Strong's findings and recommendations by stating that his factual allegations clearly defined his complaint that canvas deck shoes are improper footwear for both indoor and outdoor prison recreation. Plaintiff contends recreation is a civil liberty/right for prisoners and he is unable to enjoy it with the current footwear issued by the Montana State Prison. He alleges the canvas deck shoes place a burden on his joints, skeletal frame, nervous system, and mental health.

Plaintiff's objections do not cure the defects pointed out by Judge Strong. The Court is still unable to determine what legal claims Plaintiff seeks to assert against whom, and why his displeasure with the footwear provided by the prison amounts to a federal claim. Judge Strong's findings and recommendations will be adopted in full. There being no clear error in Judge Strong's remaining findings and recommendations,

IT IS HEREBY ORDERED:

1. Judge Strong's findings and recommendations (doc. 11) are ADOPTED in full.
2. Plaintiff's Complaint (doc. 1) is DISMISSED WITH PREJUDICE.
3. The Clerk of Court is directed to close this matter and enter judgment pursuant to Rule 58 of the Federal Rules of Procedure.
4. The docket shall reflect that the Court certifies pursuant to Fed.R.App.P. 24(a)(3)(A) that any appeal of this decision would not be taken in good faith. The docket shall also reflect this dismissal counts as a strike pursuant to 28 U.S.C. § 1915(g).

Dated this 31st day of January, 2013.



Dana L. Christensen, District Judge
United States District Court